

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KAIFI LLC,

Plaintiff,

v.

AMAZON.COM, INC.;
AMAZON.COM SERVICES LLC; and
AMAZON WEB SERVICES, INC.,

Defendants.

Case No. 2:24-cv-00542

JURY TRIAL DEMANDED

JOINT MOTION FOR ENTRY OF AGREED VENUE DISCOVERY ORDER

On July 17, 2024, Plaintiff filed the complaint (Dkt. 1) in this action. On October 4, 2024, Defendants filed a motion to dismiss (Dkt. 18), asserting among other things, improper venue. The parties have agreed to extend the briefing schedule and conduct venue discovery relating to Defendants' motion, as follows:

1. Plaintiff may serve the following written discovery directed to the propriety of venue (which may be served on Defendants collectively, meaning that the below numbers are totals, but the requests may be directed to multiple Defendants, if appropriate):
 - a. Up to seven (7) requests for production;
 - b. Up to six (6) interrogatories; and
 - c. Up to three (3) requests for admission.
2. Plaintiff may conduct the following depositions, each totaling no more than three (3) hours of examination and limited to issues relating to venue:
 - a. 30(b)(1) depositions of all declarants upon which Defendants have relied or will rely for their motion to dismiss; and
 - b. Up to two (2) 30(b)(1) depositions of additional individuals identified during venue discovery.
3. Plaintiff shall serve its written discovery within seven (7) days of this Order. Defendants shall respond within fourteen (14) days of service of the written discovery. Depositions shall be conducted within twenty-one (21) days of completion of all written discovery, including any supplements. Discovery disputes shall be governed by the Court's model Discovery Order and continue the deadlines herein until resolved.

4. Upon completion of the foregoing venue discovery, within seven (7) days thereafter, Plaintiff shall inform Defendants whether it intends to file an amended pleading. If so, Plaintiff shall file its amended pleading within fourteen (14) days thereafter. If Plaintiff informs Defendants that it will not file an amended pleading, within fourteen (14) days after the completion of the foregoing venue discovery, Defendants will either: (a) file an amended motion to dismiss, making amendments only to the venue portion of Dkt. 18 and only to address new documents or deposition testimony produced during venue discovery; or (b) inform Plaintiff that they intend to move forward with the previously filed motion to dismiss. Plaintiff shall file its responsive brief within fourteen (14) days of Defendants doing either (a) or (b) above. Defendants may file a reply brief within seven (7) days thereafter. Plaintiff may file a sur-reply within seven (7) days thereafter.

Therefore, the Parties move the Court to grant this joint motion and enter the proposed venue discovery order.

Date: October 16, 2024

/s/ Jennifer Truelove

Jennifer L. Truelove
Texas State Bar No. 24012906
jtruelove@mckoolsmith.com
MCKOOL SMITH, P.C.
104 East Houston Street Suite 300
Marshall, TX 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Jason G. Sheasby
(*pro hac vice* to be filed)
jsheasby@irell.com
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276

Telephone: (310) 277-1010
Facsimile: (310) 203-7199

Andrew Choung
(admitted in E.D. Texas)
achoung@nixonpeabody.com
Jennifer Hayes
(admitted *Pro Hac Vice*)
jhayes@nixonpeabody.com
NIXON PEABODY LLP
300 S. Grand Avenue, Suite 4100
Los Angeles, CA 90071
Telephone: (213) 629-6000
Facsimile: (213) 629-6001

Attorneys for Plaintiff KAIFI LLC

/s/ Christina V. Rayburn
Deron R. Dacus
The Dacus Firm PC
ddacus@dacusfirm.com
821 ESE Loop 323
Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543

Christina V. Rayburn
crayburn@hueston.com
Neil G. Anderson
nanderson@hueston.com
Thomas B. King
tking@hueston.com
Christine M. Woodin
cwoodin@hueston.com
Hueston Hennigan, LLP
620 Newport Center Drive, Suite 1300
Newport Beach, CA 92660

*Attorneys for Defendants Amazon.com, Inc.,
Amazon.com Services LLC, and Amazon Web
Services, Inc.*

CERTIFICATE OF SERVICE

I certify that the foregoing document was filed electronically on October 16, 2024, pursuant to Local Rule CV-5(a) and has been served on all counsel via electronic mail.

/s/ Jennifer Truelove
Jennifer Truelove